



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Confirmation No. 6104
Akira FUJISHIMA et al. : Attorney Docket No. 2003-0867
Serial No. 10/600,640 : Group Art Unit 1625
Filed June 23, 2003 : Examiner Patricia L. Morris

CRYSTALS OF BENZIMIDAZOLE
COMPOUNDS

TERMINAL DISCLAIMER UNDER 37 CFR 1.321

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

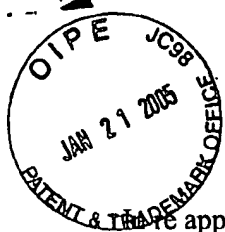
Sir:

The owner, TAKEDA CHEMICAL INDUSTRIES, LTD., of 100% interest in the instant application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 USC 154 to 156 and 173, as shortened by any terminal disclaimer, of prior Patent No. 6,462,058, issued October 8, 2002. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims

Adjustment date: 03/15/2005 SDIRETA1
11/03/2004 DWILLIA4 00000002 230975 10600640
01 FC:1814 110.00 CR

COPY



RECEIVED
DIVISION

DEPT REF
Room 307

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application of

Akira FUJISHIMA et al.

Serial No. 10/600,640

Filed June 23, 2003

CRYSTALS OF BENZIMIDAZOLE COMPOUNDS

: Mail Stop: ACCOUNTING DIVISION
REFUND BRANCH

: Attorney Docket No. 2003_0867
Confirmation No. 6104

REQUEST FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request a refund of \$110 charged to Deposit Account No. 23-0975 on November 3, 2004 in connection with a Terminal Disclaimer. Applicants assert this charge is incorrect.

On October 12, 2004, Applicants' attorney filed an Amendment After Final, as well as a copy of a previously filed Terminal Disclaimer from March 22, 2004. The Terminal Disclaimer was clearly marked as a copy, but was probably mistaken as a new document since there appears to be no other reason for the questionable charge.

Kindly credit the refund of \$110 to the deposit account of undersigned, no. 23-0975.

Respectfully submitted,

Akira FUJISHIMA et al.

By Warren M. Cheek, Jr.
Warren M. Cheek, Jr.
Registration No. 33,367
Attorney for Applicants

WMC/ker
WENDEROTH, LIND & PONACK, L.L.P.
2033 K Street, N.W., Suite 800
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
January 21, 2005

2003_0867